

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FELIPE VALENCIA,

Plaintiff,

v.

GUN LAKE CASINO,

Defendant.

Case No. 1:19-cv-1020

HON. JANET T. NEFF

OPINION AND ORDER

Plaintiff, proceeding pro se, initiated this action on December 4, 2019. Defendant filed a motion to dismiss the action for lack of subject matter jurisdiction (ECF No. 7). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that Defendant's motion be granted and this matter be terminated. Pending before the Court is Plaintiff's objection to the Magistrate Judge's Report and Recommendation. For the following reasons, the Court denies Plaintiff's objection.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Magistrate Judge determined that Plaintiff failed to meet his burden to establish that this Court can properly exercise subject matter jurisdiction in this matter (R&R, ECF No. 26 at PageID.85). Plaintiff's objection merely reiterates his allegations that he hit the jackpot at Defendant casino and was denied his winnings. Plaintiff fails to demonstrate any

factual or legal error in the Magistrate Judge's analysis or conclusion concerning this Court's lack of subject matter jurisdiction (Pl. Obj., ECF No. 27 at PageID.87).

Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. Because this action was filed *in forma pauperis*, this Court certifies, as recommended by the Magistrate Judge, that an appeal of this decision would be frivolous and thus would not be in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007); *see Coppedge v. United States*, 369 U.S. 438, 445 (1962).

Therefore:

IT IS HEREBY ORDERED that the Objection (ECF No. 27) is DENIED, and the Report and Recommendation of the Magistrate Judge (ECF No. 26) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion to Dismiss (ECF No. 7) is GRANTED, and this case is CLOSED.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: August 20, 2020

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge